

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**CORPORATE COMMUNICATION
SERVICES OF DAYTON, LLC,**

Plaintiff,

Case No. 3:08-CV-046

Judge Thomas M. Rose

-v-

**MCI COMMUNICATIONS
SERVICES, INC.
D/B/A VERIZON BUSINESS SERVICES,**

Defendant.

NOTICE

MCI's Motion for Attorneys' Fees has been filed and fully briefed. However, the documentation submitted by MCI does not permit the Court to determine the reasonable number of hours expended or the reasonable hourly rate.

Hours that are excessive, redundant or otherwise unnecessary should be excluded and hours that are not properly billed to an attorney's client should be excluded. *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983). In this case, the Court is unable to determine, from the evidence submitted, the hours billed to MCI or the hourly rate billed to MCI on this matter. The Court also recognizes that the hours and rate billed are not necessarily the actual hours and rate paid due to discounts and other possibilities. One example is that clients do not normally pay an attorney's hourly rate for travel time. There are other possibilities including the discounting of bills to clients for various reasons. In sum, the Court is unable to determine what MCI actually paid for the hourly rate and the number of actual hours that MCI is now asking to be reimbursed.

MCI is given until not later than fifteen (15) days from entry of this Notice to present

evidence of the hourly rate and number of hours actually paid for this matter in a form that will allow the Court to determine a reasonable hourly rate and a reasonable number of hours expended. CCS is given until not later than fifteen (15) days following MCI's filing to respond if it wishes to do so, and MCI is given until not later than 10 (ten) days to reply if it wishes to do so.

DONE and **ORDERED** in Dayton, Ohio this Thirtieth Day of March, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record